

# Arent Fox

November 5, 2009

**VIA ECF**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

**Ross A. Buntrock**

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**Re: Temporary Restraining Order Issued Against The Iowa Utilities Board And  
Neustar, Inc. in Civ. No. 09-04085; WC Docket No. 09-152**

Dear Ms. Dortch:

Today the United States District Court for the Northern District of Iowa issued a Temporary Restraining Order in favor of Great Lakes Communication Corporation, enjoining the Iowa Utilities Board ("IUB") and Neustar, Inc. from taking any action to enforce the Final Order of the IUB, issued on September 21, 2009, in the case styled *Qwest Commc'ns. Corp. v. Superior Tel. Coop., et al.*, Docket No. FCU-07-2 (Iowa Utils. Bd. Sep. 21, 2009), and, in particular, Findings of Fact 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15; Ordering Clauses 1, 2, 3, 4, and 7; and the decision to initiate a proceeding asking Great Lakes to show cause why its certificate of public convenience and necessity should not be revoked; or any other provision of state or federal law incorporated by reference therein, or any other orders, rules, or regulations issued pursuant thereto, as against a provider of telecommunications services. The Court's Order is attached hereto.

Respectfully submitted,



Ross A. Buntrock,  
*Counsel to Great Lakes Communication Corp.*

RPP/356090.1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

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GREAT LAKES COMMUNICATION	)	CIVIL ACTION
CORPORATION and	)	
SUPERIOR TELEPHONE COOPERATIVE,	)	
	)	No. <u>09-CV-4085-020</u>
Plaintiffs,	)	
vs.	)	
	)	
ROBERT B. BERNTSEN, KRISTA K.	)	PLAINTIFFS' PROPOSED
TANNER, AND DARRELL HANSON, in their	)	TEMPORARY RESTRAINING
Official Capacities as Members of the Iowa	)	ORDER
Utilities Board and not as Individuals; IOWA	)	
UTILITIES BOARD, Utilities Division,	)	
Department of Commerce; NEUSTAR, INC.,	)	
the North American Numbering Plan	)	
Administrator and Pooling Administrator,	)	
	)	
Defendants.	)	

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Upon the Motion for Temporary Restraining Order and Preliminary Injunction of Plaintiff Great Lakes Communication Corp., and the Memorandum in Support of Motion for Temporary Restraining Order and Preliminary Injunction, the Court finds:

On September 21, 2009, the Iowa Utilities Board ("IUB") released its Final Order in the case *Qwest Comms. Corp. v. Superior Telephone Coop., et al.*, Docket No. FCU-07-2 (Iowa Utils. Bd. Sep 21, 2009) ("Final Order"). In the Final Order, the IUB directed Neustar, Inc., the North American Numbering Plan Administrator ("NANPA") and Pooling Administrator to commence reclamation proceedings of all blocks of telephone numbers assigned to Great Lakes. *Id.* at 80. The IUB also announced it will initiate a proceeding asking Great Lakes to show cause

why its CPCN should not be revoked. *Id.* at 67. Great Lakes has been informed by Neustar that it has commenced reclamation proceedings.

Great Lakes has satisfied the requirements for injunctive relief identified in *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981) (*en banc*); *see also Interbake Foods, L.L.C. v. Tomasiello*, 461 F.Supp.2d 943, 954-55 (N.D. Iowa 2006). It is necessary to enjoin the Defendants in this case in order to prevent irreparable harm to Great Lakes. Without telephone numbers, Great Lakes will not be able to provide any telecommunications services to its customers. Reclamation of its telephone numbers is likely to put Great Lakes out of business before its appeal of the Final Order could be considered.

This Temporary Restraining Order is being issued without notice to Defendants because Neustar has already begun the number reclamation process and irreparable harm to Great Lakes could ensue before the Court could convene a hearing to consider Great Lakes' motion for Preliminary Injunction.

THEREFORE, IT IS HEREBY ORDERED THAT until and unless otherwise directed by order of this Court:

- (a) Robert B. Berntsen, Krista K. Tanner, and Darrell Hanson, in their Official Capacities as Members of the Iowa Utilities Board and not as Individuals;
- (b) the Iowa Utilities Board, its members, agents, servants, employees, attorneys, and all persons in active concert and participation with the Iowa Utilities Board; and
- (c) Neustar, Inc., its agents, servants, employees, attorneys, and all persons in active concert and participation with Neustar;

are ENJOINED from taking any action to enforce the Final Order of the Iowa Utilities Board, issued on September 21, 2009, in the case styled as *Qwest Comms. Corp. v. Superior Telephone*


*Coop., et al.*, Docket No. FCU-07-2 (Iowa Utils. Bd. Sep 21, 2009), and in particular, Findings of Fact 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 15; Ordering Clauses 1, 2, 3, 4, and 7; and the decision to initiate a proceeding asking Great Lakes to show cause why its certificate of public convenience and necessity should not be revoked; or any other provision of state or federal law incorporated by reference therein, or any other orders, rules, or regulations issued pursuant thereto, as against a provider of telecommunications services, including the Plaintiffs.

IT IS FURTHER ORDERED that this Temporary Restraining Order will expire in 10 days unless before that time the Court extends it for a like period or Defendants consent to a longer extension.

IT IS FURTHER ORDERED that any requirement for Plaintiffs to post a security bond under Rule 65(c) of the Federal Rules of Civil Procedure is WAIVED.

TIME AND DATE OF ISSUANCE OF TEMPORARY RESTRAINING ORDER:

November 5<sup>th</sup>, 2009

By:   
Judge Donald E. O'Brien  
United States District Court  
Northern District of Iowa  
Western Division

RPP/355187.1